



City of Seattle
Edward B. Murray, Mayor

Department of Transportation
Scott Kubly, Acting Director

MEMORANDUM

Date: September 23, 2014

To: Councilmember Rasmussen and Honorable Members of the Transportation Committee

From: Lindsay King, DPD, Diana Holloway, SDOT and Beverly Barnett, SDOT

Subject: Legislation Completing the Vacation and Subdivision Process for Yesler Terrace

This briefing memo from the Department of Planning & Development (DPD) and the Seattle Department of Transportation (SDOT) provides background on the proposed legislation package relating to street vacations and final plat (subdivision) approval for the redevelopment of Yesler Terrace. The proposed legislation was introduced September 2, 2014 as Council Bill 118203.

Action Requested

The proposed legislation completes the street vacation and subdivision process for the Yesler Terrace redevelopment initiated by the Seattle Housing Authority (SHA) and accepts or authorizes other documents and actions related to satisfaction of various conditions and obligations associated with the street vacation or subdivision. The legislation:

1. Vacates streets previously approved for vacation by the City Council, with modification of one street vacation condition;
2. Relinquishes easements no longer needed by the City;
3. Approves and confirms the plat of "Yesler Terrace Community" with three modified plat conditions;
4. Accepts dedications of street right-of-way, public utility easements and other public purpose easements granted on the plat of "Yesler Terrace Community";
5. Authorizes acceptance and relinquishment of temporary easements for street purposes over certain streets vacated by the proposed legislation;
6. Authorizes the signing, acceptance, and recording of, and carrying out the City responsibilities under, a Covenant for Infrastructure Construction negotiated with SHA in lieu of completion of facilities and improvements that would otherwise be required prior to final plat approval;
7. Authorizes the signing, acceptance of easements, recording, and carrying out the City responsibilities under a Public Access, Easement and Maintenance Agreement negotiated with SHA in satisfaction of certain street vacation and preliminary plat approval conditions; and

8. Authorizes the signing and acceptance of a Cooperative Agreement Regarding Dedicated Street Areas in Yesler Terrace Plat negotiated with SHA in lieu of completion of tenant relocation and building demolition in street right-of-way dedicated on the plat of “Yesler Terrace Community” that would otherwise be required prior to final plat approval.

Introduction

In 2012, the City Council undertook a comprehensive review of SHA’s proposed redevelopment of Yesler Terrace, including consideration of Land Use Code amendments, a legislative rezone, design guidelines, a Planned Action Ordinance, a mitigation document, a new Cooperative Agreement, and street vacations. SHA also proposed dedication of new streets and creation of a new plat through the subdivision process.

On September 4, 2012, the Seattle City Council approved legislation for the redevelopment of Yesler Terrace:

- Ordinance 123961: Authorizes a Cooperative Agreement with SHA to advance a range of mutually agreed upon benefits.
- Ordinance 123962: Designates Yesler Terrace projects as “planned actions” under SEPA and imposes mitigation conditions for those projects.
- Ordinance 123963: Adopts new zoning provisions for Yesler Terrace, rezones the property, and adopts design guidelines.
- Clerk File (C.F.) 311389: Conditionally grants the vacation of certain existing streets subject to satisfaction of many conditions, including dedication and construction of new streets and right-of-way improvements, submission of a preliminary plat consistent with the new zoning and the street vacation conditions, and provision of specific public benefit elements.

The 561 existing units of extremely low-income housing will be replaced unit for unit in the new Yesler Terrace development and there will be additional subsidized and market-rate units, totaling up to 5,000 units; up to 900,000 square feet of office space; up to 65,000 square feet of neighborhood services, including the existing Yesler Terrace Community Center; 15.9 acres of parks and semi-private open space; and a maximum of 5,000 parking spaces.

City Council Acceptance of Final Plat & Street Vacations

Following City Council’s 2012 approval of redevelopment, SHA submitted a preliminary plat to DPD. DPD issued its analysis and recommendation, and, after a public hearing on August 20, 2013, the Seattle Hearing Examiner issued her approval of the preliminary plat, subject to numerous conditions, on August 30, 2013 (MUP-13-016S(SD)). City departments and SHA worked to refine the preliminary plat to reach the level of design detail needed to forward legislation to the City Council to complete the final plat. This legislation package creates the lots and blocks, a street grid, and utility infrastructure for the development and completes the vacation of existing streets.

The proposed legislation and its attachments reflect the agreements reached by the team of City reviewers and SHA and protect the public interest in a manner consistent with the conditions imposed by the City Council in the preliminary street vacation approval (C.F. 311389) and the Hearing Examiner in the preliminary plat approval (MUP-13-016S(SD)). The attachments included as part of the proposed legislation are:

1. **Relinquishment of Easements:** this legislation will enable the release of street and walkway easements within Yesler Terrace that are unused, unnecessary, or inconsistent with the development of the site.
2. **Temporary Street Easements:** the Street Easements provide for the continued public use of streets that will be vacated by this action but will remain in use by the public for a period of time. SHA has signed the temporary Street Easements that are accepted in this legislation.
3. **Covenant for Infrastructure Construction:** this document establishes the timing and responsibility for street improvements and other infrastructure, including public benefit elements required by the preliminary street vacation approval (C.F. 311389), to provide continuity of public services and public access, other than the 10th Avenue Hillclimb, which is provided for in an approved Street Improvement Permit and is currently under construction. The document provides the infrastructure improvements required in connection with development of each lot in the plat of Yesler Terrace Community and will be recorded and become a title encumbrance on each lot in the plat. The required infrastructure improvements must be completed prior to issuance of a final certificate of occupancy for a development on a lot. The Covenant has been reviewed in detail by City departments. The Covenant has been signed by SHA and will be signed by the City and recorded with the King County Recorder on or about the date of recording of the final plat of Yesler Terrace Community after the effective date of the proposed legislation.
4. **Public Access, Easement and Maintenance Agreement:** this document serves several purposes:
 - a. It grants public access to the public benefit elements required by the preliminary street vacation approval (C.F. 311389), including the three pocket parks.
 - b. It requires ongoing Design Commission and SDOT review of the development of public benefit elements.
 - c. It grants public access to pathways and trails required by the preliminary plat approval (MUP-13-016S(SD)) and preliminary street vacation approval (C.F. 311389), and allows for partial release of easements not needed for the pathways and trails after completion of construction.
 - d. It specifies the maintenance requirements for publicly accessible areas, which are the responsibility of SHA and its successors and assigns to be carried out by the Yesler Terrace Owners Association.

This document has been signed by SHA and will be signed by the City and recorded with the King County Recorder on or about the date of recording of the final plat of Yesler Terrace Community after the effective date of the proposed legislation.

5. **Cooperative Agreement for Yesler Terrace Plat:** the Cooperative Agreement provides for SHA's responsibility for the maintenance, liability, tenant relocation and demolition of structures in the newly dedicated but not yet improved rights-of-way. SHA and SDOT have completed the Cooperative Agreement and it will be accepted in the Final Plat Ordinance.

Conclusion

As approved by the Seattle City Council in 2012, this legislation is the final step in the vacation and subdivision process. The passage of this legislation is necessary before SHA can proceed to the development phase for the new Yesler Terrace community.